

Walterboro City Council
Regular Meeting
September 25, 2007

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, September 25, 2007 at 6:15 P.M., with Mayor Pro-Tem Bill Young presiding.

PRESENT WERE: Mayor Pro-Tem Bill Young, Council Members: Randy Peters, Charles Lucas, Ted Parker, Franklin Smalls and Mary Anne Cannady. Public Works Director Charlie Chewning representing the City Manager, City Clerk Betty Hudson and City Attorney George Cone were also present. Mayor Charles Sweat and City Manager Tuck McConnell were absent.

There being a quorum present, Mayor Pro-Tem Young called the meeting to order and called on Council Member Smalls for the invocation and Council Member Parker to lead the pledge of allegiance to our flag.

Before starting the meeting, Mayor Pro-Tem Young thanked everyone for their outpouring of concern for Mayor Sweat, who had been involved in an accident while conducting a tour of the Great Swamp Sanctuary. He then read a letter from the Sweat Family.

"We want to thank Charlie's many friends for your prayers, support and concern. Charlie is recovering from his accident, making improvements daily. The doctors are pleased with his progress and remain hopeful for a full recovery. We know that this is hard on everyone and appreciate your patience and understanding in respecting Charlie's privacy at this time".

Mayor Pro-Tem Young then announced that Mayor Sweat had made significant improvement over the last 24 hours. The family is very optimistic for his recovery. He then asked that everyone keep the Mayor and City Manager Tuck McConnell in their prayers. Mr. McConnell has been in the hospital now for about 6 weeks. Mr. Young also thanked City staff and assured everyone that city business is being taken care of, and that the city has continued to run normally and smoothly. All projects are continuing and everything is on track. He also thanked Council for their support and for everybody stepping up and making sure that everything that needs to be done gets done.

Mr. Young then recognized that an article on David Smalls, Director of the Chamber of Commerce, is in this month's Southern Living Magazine. He noted that the article was very flattering about Mr. Smalls and Walterboro. He said, it's always good to have good publicity. He then congratulated Mr. David Smalls, who was in attendance at the meeting.

Next, the Minutes of the August 28, 2007 Minutes were approved on the motion of Council Member Parker, seconded by Council Member Cannady and passed with all members voting in favor.

Next, Ms. Eliza Williams and Stephanie Bridge, on behalf of the City Appearance Board, presented plaque awards for the Yard of the Month and the Business of the Month, as follows:

July 2007 Yard of the Month - Mr. & Mrs. Charles E. Williams, 1017 N. Lemacks St.
July 2007 Business of the Month- Bachelor Hill Antiques, 257 Washington St.
August 2007 Yard of the Month - John & Jean Warren, 106 Woodland Terrace.
August 2007 Business of the Month - The Welcome Center, Sniders Highway.
September 2007 Yard of the Month - Mr. & Mrs. Chestnut, 205 Valley St.
September 2007 Business of the Month - Microtel Inn & Suites, Cane Branch Rd.

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Next, a Proclamation designating October 2007 as Domestic Violence Awareness Month was adopted on the motion of Council Member Cannady, seconded by Council Member Lucas and passed unanimously. A copy of said proclamation is attached as part of these minutes.

Under Old Business, Ms. Mim Kelly, on behalf of DWDC, appeared before Council to request support for an application to Main Street South Carolina and to commit funding for membership. Ms. Kelly thanked Council for the opportunity to speak again on this matter. She informed Council that at the last DWDC Meeting, they received a very supportive letter of endorsement and gained support from County Council on September 4. The county has pledged its support of \$2,500 per year for 3 years. She informed Council that a very positive meeting was held with the downtown merchants on September 6. At this meeting, the merchants voted favorable 18/6 to move forward with the Main Street Application. In conclusion, Ms. Kelly asked Council to support the Main Street South Carolina application and to approve funds of \$2,500 for the membership fee. If approved, Ms. Kelly also requested an endorsement letter from Bill Young as Mayor Pro-Tem.

A motion to approve this request and to commit funding for membership in the amount of \$2,500 was made by Council Member Parker, with a second from Council Member Smalls. A discussion was then held on the motion. Council Member Cannady pointed out that this program was held in the 1980's. We had a good first year and second year, but in the third year, it bottomed out. My main concern, she stated, is that you have 18 who voted in favor, and 6 who were not in favor. Unless you have 100% of all the people downtown who will help you, you can't do it by yourself. She asked how many of the merchants on Walters Street, Washington Street, Memorial Street who will participate. She said, I just want to know who your team is. I would like to have a list of names so if it doesn't work, I will pick up the phone and call them the same as you if we approve this program.

Council Member Lucas stated, we are hearing a lot from the merchants, but to me, the merchants should be talking to the owners of the buildings they are renting from. We should be hearing from the owners, because the owners are the ones who will either fix the buildings, or not fix the buildings. He asked Ms. Kelly if she had any kind of consensus from what the owners have said. He pointed out that the owners are really the ones who should be making the decisions. Ms. Kelly pointed out that the Director of Main Street South Carolina Program in Columbia had indicated that she would be happy to come to Walterboro for a public meeting. At that meeting we would make every effort to have the business owners involved in the discussion.

Mr. Henry Cook, owner of the building at 329 E. Washington, told Council that he had never been approached by anyone concerning the matter and to ask for his opinion.

Mr. William Bowman, owner of the building at 318 N. Lucas Street, also stated that he had not heard of this program, nor anything about an organization that would come in and talk about making downtown better. He said, this is my first time of ever hearing of this. He pointed out that since the owners would be held responsible for any type of renovation or improvements, then the owners should be involved. He stated that he would like to know more about this program before it is instituted, because he has never heard of the program, nor did he receive any correspondence on the matter.

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Mr. David Evans, a downtown business owner and property owner, told Council that he had a signed document to submit to Council, listing the names of the people downtown who are in opposition to this program, for the reason that we came into the whole conversation late, and the dialogue late. We did meet with Ms. Kelly and listened to her presentation of the program. There was a consensus that night based on the information she gave us that we would support it as a group (16) to the application process because we wanted more information, and that was exactly what we agreed to that night. From that moment on, communication broke down and most of us changed our minds, primarily on the fact that we don't want to be shuffled into a program that we don't know enough about. There are a lot of questions about this program - 1) Where is the funding going to come from? 2) Where will the operation budget come from? 3) What are the parameters of the district and what will be our requirements as merchants, business owners and property owners? In concluding, Mr. Evans said, if there is any question on whether the merchants are behind this right now - the merchants are totally behind it, but in opposition instead of "for the program". He then submitted the list to Council.

Other persons who spoke in opposition to the program were Ms. Leona Fennell, Ms. Helen Infinger and Mr. Ed Cassel.

Attorney George Cone, speaking as a downtown property owner, also stated that he had not been contacted by Ms. Mim Kelly. He stated he felt Ms. Kelly was an honorable person and that we should give her a chance, but again I have not been approached on this matter. Mr. Cone stated that basically, there has been a lack of communication. He felt that the statement that all business owners are against this is incorrect, because I know that Peden McLeod of his firm is not against it and he is the owner of our building. He said, if we don't try different things, than we can't keep downtown alive. Mr. Cone felt that Ms. Kelly should be given a chance to come to terms with the downtown property owners on this matter within the next 30 days, and then if Council wished, you can do whatever you need to do if you want to withdraw. Ms. Kelly added that she could start work tomorrow with the Municipal Association to come down and schedule a meeting. She stated that we do not need to pay any money at all to submit the application. We would only owe money in January 2008, if we are selected for the program.

Mr. Gary Davis, a downtown property owner said until I know more about how this program will affect my business, I am not in favor of supporting the application at this time. As a property owner and business owner, I need to know about the budget. The startup budget is \$50,000 just for administration. He said, I'd like to know where all this money will come from, before I decide if this is the best thing for us. Other items of concern were raised by Mr. Davis. He questioned whether DWDC would be running this program. He felt that maybe the Main Street Program should be brought in next year. He stated, "We are trying to put too many things in the basket at one time".

Council Member Smalls then asked Ms. Kelly if it were possible to schedule a meeting with the property owners and business owner's maybe next week, and talk with them before the person from Columbia comes down to hold a meeting. Council Member Smalls said he felt this could be accomplished within the next 30 days, because the merchants have expressed an interest in the program, but they just want to know more about it.

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Council Member Peters expressed the following concerns: Where will the funds come from to keep the program going year after year. How solid is DWDC? How many people do you have who are dues-paying members? Are you going to increase the dues for DWDC in order to help support the program? He said, there are just a lot of questions that have not been answered. Mr. Peters stated that he is concerned about DWDC and its relationship with the merchants, because of all the turmoil that's been going on. He said, this is about the biggest mountain we need to scale to start with. He then said, I do support the program, but my honest opinion is that we should probably wait until next year to submit the application, to give you more time to get all the factors together, so that when someone comes from Columbia and looks at Walterboro, they will see that we will support the program. He felt that the \$2,500 was not the issue, but where will the funds come from to run the program? Council Member Peters concluded by stating, when the merchants sit here and tell us they have not even heard about the program, it is hard for us to make a decision to support it at this time.

Ms. Kelly responded that DWDC plans to change its tax status to 5013C. This would make it easier to go out and solicit corporate sponsorships and then there would be grants that we could apply for.

Mr. Reeves McLeod stated he knew about this program for some time now. He suggested that those merchants and property owners, who have not heard about the program, give their names and address to Ms. Kelly tonight, so that if a future meeting is scheduled, they will be notified and all these issues can be addressed.

Concluding the discussion, Council Member Cannady moved to amend the motion by replacing it with the following motion:

"That City Council goes on record as being in favor of the Main Street Program, and that we are in favor of supporting it, but not in making an application this year, but if they get their act together and they have their members and the owners and merchants are together, we can apply for this after the first of the year, get it in early. In that way, you will be ready to roll on October 1, 2008 or January 1 of 2009." Council Member Cannady believed this will allow more time to get all the kinks worked out. Council Member Peters seconded the motion.

Mayor Pro-Tem Young then called for the vote to amend or restate the motion. The motion carried with all members present voting in favor, except that Mayor Sweat was absent and did not vote.

Mayor Pro-Tem Young then called for the vote to pass the motion as amended. The motion passed unanimously, except that Mayor Sweat was absent and did not vote.

Council Member Smalls again emphasized that the interest in the program has been expressed here tonight. He told Ms. Kelly to take advantage of it while the interest is here now. Do not wait until January to try and do something, because some might change their minds. He believed Ms. Kelly should go ahead and call a meeting next week with the merchants and property owners.

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Mayor Pro-Tem Young then said, all that we want as a Council, is the betterment of the downtown area. What we want is to see all of you work together to make things better downtown to improve the business atmosphere. We want you to come together and do that. It is your businesses and your downtown and we are here to help you as much as possible.

Under New Business, Mayor Pro-Tem Young then read into the records the following ordinances which were before Council for First Reading consideration:

1. Ordinance # 2007-11, An Ordinance to Amend Chapter 21, Zoning, Section 6.2 Neighborhood Commercial District (NCD) Section 6.2.3 Permitted Uses and Parking Requirements, So As to Designate Professional Offices, Including Medical, Real Estate as a Permitted Use.

2. Ordinance # 2007-12, An Ordinance to Change the Zoning on a Parcel of Land on Meadow Street.

Attorney Cone then provided a brief explanation on the ordinances. He stated that the Municipal Planning Commission at its November 15, 2006 meeting recommended these ordinance changes. On the zoning ordinance # 2007-12, this changes the zoning of the parcel on the corner of Meadow and State Street from Medium Density Residential to Neighborhood Commercial, which will allow Office Institutional Use. Referring to the Planning Commission's Minutes, Attorney Cone stated that Planning Commission had stated that, "Not including Professional Offices, Medical and Real Estate Offices as permitted uses in the Neighborhood Commercial Zoning District was an oversight", and that City Council should correct this. Attorney Cone concluded that the parcel of land in question will be granted the use of Neighborhood Commercial as a special exception by the Zoning Board, just from looking at the compatibility factors. So, it might not be necessary to pass these ordinances. However, Attorney Cone added, "if you wish to proceed with first reading of the ordinance, then this would give time to inquire of the Municipal Planning Commission as to whether they have considered the impact of this zoning classification on other Commercial Zoning Districts.

Further discussion was held in which it was noted that it was unclear as to whether or not the Planning Commission wished to make this zoning change in all of the Neighborhood Commercial Zoning Districts in the city. Attorney Cone pointed out that what could be accomplished for this parcel is to have a "special exception", without changing everything. Mayor Pro-Tem Young explained that if the owner of this property wants to go in under the "special exception", then he would have to go before the Board of Zoning Appeals.

Council Member Lucas was concerned whether the rezoning on this property would be "spot zoning". Mayor Pro-Tem Young responded that staff had looked at the surrounding zoning. The area right in front of this property on Highway 15 is zoned "Highway Commercial". The area behind this property is "Medium Density Residential".

Concluding the discussion, a motion was made by Council Member Cannady giving First Reading approval to:

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1) Ordinance # 2007-11, An Ordinance to Amend Chapter 21, Zoning, Section 6.2 Neighborhood Commercial District (NCD) Section 6.2.3 Permitted Uses and Parking Requirements, So As to Designate Professional Offices, Including Medical, Real Estate as a Permitted Use, and

2) Ordinance # 2007-12, An Ordinance to Change the Zoning on a Parcel of Land on Meadow Street.

Council Member Lucas seconded the motion that passed with a vote of 5/0 with Mayor Pro-Tem Young, Council Members Lucas, Smalls, Parker and Cannady voting in favor. Council Member Peters recused himself from participating in the discussion of this matter and abstained from voting due to a conflict of interest, in that he is the owner of the property on Meadow Street. Mayor Sweat was absent and did not vote.

Next, Council reviewed the bids received to purchase 3 new police vehicles, as follows:

Bobby Jones Ford	\$78,640.55
Clint Brannen Ford	\$85,589.00
Walterboro Motor Sales	\$79,145.79
Jones Ford	\$83,289.00

Ltd. Ken Dasen explained that Walterboro Motor Sales was not the lowest bidder, but did come within \$500 of the lowest bid. To keep the monies in the local area, Lt. Dasen recommended approval of purchasing the 3 automobiles from Walterboro Motor Sales. It was noted that the purchase of the police vehicles were budgeted items. A motion was made by Council Member Parker to approve the purchase of the 3 police vehicles from Walterboro Motor Sales in the amount of \$79,145.79. Council Member Lucas seconded the motion that passed unanimously. Mayor Sweat was absent and did not vote.

Next, Council Member Cannady nominated Council Member Franklin Smalls to serve as the new member on the Walterboro-Colleton County Airport Commission. Council Member Lucas seconded the motion. The nomination was closed and Council Member Smalls was elected to serve on the Walterboro-Colleton County Airport Commission with a vote of 5/0. Mayor Protem Young, Council Members Peters, Lucas, Parker and Cannady voted in favor of the motion, with no members opposing. Council Member Smalls abstained from voting. Mayor Sweat was absent and did not vote.

Next, a motion was made by Council Member Lucas to accept with regret the resignation of Reaves McLeod as the City Prosecutor, since he had been appointed as a magistrate. Council Member Lucas wished him the best of luck in his new position. Council Member Cannady seconded the motion that passed unanimously. Mayor Sweat was absent and did not vote.

Mayor Pro-Tem Young then stated that a letter of interest had been received from Ms. B. Kim Miller to serve in the position of City Prosecutor. A motion was made by Council Member Cannady to appoint Ms. B. Kim Miller as the new City Prosecutor. Council Member Parker seconded the motion that passed with all members voting in favor. Mayor Sweat was absent and did not vote.

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As an ad-on agenda item, Mayor Pro-Tem Young announced that a letter had been received from the Downtown Development Corporation requesting the closing of Washington Street for their 14th Annual Halloween Carnival on October 31. It was requested that E. Washington Street be closed between Walter and Lucas Street from 5:00 P.M. until 9:00 P.M. A motion granting this request was made by Council Member Lucas, seconded by Council Member Smalls and passed unanimously. Mayor Sweat was absent and did not vote.

Ms. Leona Fennell then expressed sympathy to the Cone Family for the lost of their sister, who's Memorial Service will be held tomorrow.

A motion to enter an Executive Session to hear a personnel matter and a contractual matter was made by Council Member Cannady, seconded by Council Member Lucas and passed unanimously.

The meeting returned to Open Session. A motion was made by Council Member Cannady, seconded by Council Member Parker, to accept the proposal from Lowcountry Council of Governments to update the City of Walterboro's Comprehensive Plan, as required by State Code, in the amount of \$12,500. The motion passed unanimously. Mayor Sweat was absent and did not vote.

Next, a motion was made by Council Member Lucas, seconded by Council Member Cannady, to adopt Resolution # 2007-R-04, authorizing the City of Walterboro to participate in the Local Government Assurance Group's Retiree Plan. The motion passed with all members voting in favor. Mayor Sweat was absent and did not vote on the motion.

There being no further business to consider a motion to adjourn was made by Council Member Cannady, seconded by Council Member Parker and passed unanimously. The Mayor Pro-Tem adjourned the meeting at 7:50 P.M. Notice of this meeting was distributed to all local media and posted on the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Betty J. Hudson
City Clerk

APPROVED October 9, 2007